

Attorney's Docket No.: 9266-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE: 11 PM 4:07

In re: Baxter et al.
Serial No.: 09/844,537
Filed: April 27, 2001
FOR: METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR
COMMUNICATING WITH A CONTROLLER USING A DATABASE
INTERFACE INTERFACE

Group Art Unit: 2162
Confirmation No.: 3743
Examiner: Jean M. Corrielus

Date: November 10, 2006

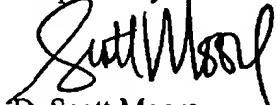
Mail Stop 16
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR REFUND OF FEES

Sir:

Applicants respectfully submit this Request for Refund of Fees pursuant to 37 C.F.R. §1.26. On October 17, 2006, Applicants filed a Notice of Appeal in this case (Tab A), responsive to the Official Action of July 17, 2006. On October 27, 2006, the USPTO charged Deposit Account No. 50-0220 in the amount of \$500.00 for filing a Notice of Appeal (Tab B). On page 2 of the July 17 Official Action (Tab C), the Examiner indicates: **"The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal."** Please note that these instructions are stamped and signed by Supervisory Patent Examiner Jeffrey A. Gaffin. Accordingly, in the Notice of Appeal filed on October 17, 2006, applicants instructed the USPTO to apply the previously paid Appeal Fee to this new Appeal. Applicants note that the appeal fees have not increased since March 15, 2006, when the previous Notice of Appeal was filed. As the \$500.00 charge is in error, please refund Deposit Account No. 50-0220 in the amount of \$500.00.

Respectfully submitted,

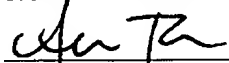


D. Scott Moore
Registration No. 42,011

Myers Bigel Sibley & Sajovec, P.A.
P. O. Box 37428
Raleigh, North Carolina 27627
Telephone: (919) 854-1400
Facsimile: (919) 854-1401
Customer No. 20792

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Tab A

Attorney Docket No.: 9266-2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Baxter et al.

Application No.: 09/844,537

Filed: April 27, 2001

For: *Methods, Systems, and Computer Program Products for Communicating with a Controller Using a Database Interface*

Confirmation No.: 3743

Group Art Unit: 2162

Examiner: Jean M. Corrielus

Date: October 17, 2006

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**NOTICE OF APPEAL TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Sir:

Pursuant to 35 USC § 134, 37 CFR § 41.31, and MPEP § 1205, the Applicant in the above-identified patent application hereby appeals to the Board of Patent Appeals and Interferences from the Office Action dated July 17, 2006 at least twice rejecting or finally rejecting claims 1-33.

☐ Enclosed is a check in the amount of \$_____ for the Appeal fee as provided by 37 C.F.R. § 41.20(b)(1).

☒ Please reapply the Notice of Appeal Fee paid on March 15, 2006

☐ Payment by credit card is requested. Form PTO-2038 is attached.


☐ A petition for an extension of time under 37 CFR § 1.136(a) is enclosed.

☐ Also enclosed: _____

☒ The Commissioner is authorized to charge any additional fees that may be required or credit any overpayment to Deposit Account No. 50-0220.

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Raleigh, North Carolina 27627
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Amelia Tauchen

Attorney's Docket No.: 9266-2

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Tab B

Deposit Account Statement

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10/27 819	10624325	9400-34	1252	\$450.00	\$66,111.00
10/27 820	10624325	9400-34	1801	\$790.00	\$65,321.00
10/27 2	09844537	9266-2	1401	\$500.00	\$64,821.00
10/27 88	PCT/US06/41109	9450.7.WO	1601	\$300.00	\$64,521.00
10/27 89	PCT/US06/41109	9450.7.WO	1602	\$1,000.00	\$63,521.00
10/27 90	PCT/US06/41109	9450.7.WO	1701	\$1,008.00	\$62,513.00
10/27 91	PCT/US06/41109	9450.7.WO	1703	\$468.00	\$62,045.00
10/27 92	PCT/US06/41109	9450.7.WO	8007	\$20.00	\$62,025.00
10/27 76	11586227	9151-31DV	2253	\$510.00	\$61,515.00
10/27 2751	11553542	5051-644DV	1011	\$300.00	\$61,215.00
10/27 2754	11553542	5051-644DV	1202	\$1,200.00	\$60,015.00
10/27 2755	11553542	5051-644DV	1201	\$1,800.00	\$58,215.00
10/27 2753	11553542	5051-644DV	1311	\$200.00	\$58,015.00
10/27 2752	11553542	5051-644DV	1111	\$500.00	\$57,515.00
10/27 503	PCT/US06/25162	5051.687.WO	1703	\$12.00	\$57,503.00
10/27 2807	10698255	5051-644	1501	\$1,400.00	\$56,103.00
10/27 2808	10698255	5051-644	1504	\$300.00	\$55,803.00
10/27 2877	10951578	9389-3	1201	\$2,000.00	\$53,803.00
10/30 285	77031203	9062-38	7001	\$325.00	\$53,478.00
10/30 722	10116304	3477.96	2253	\$510.00	\$52,968.00

START	SUM OF	SUM OF	END
BALANCE	CHARGES	REPLENISH	BALANCE
\$39,716.00	\$141,213.00	\$154,465.00	\$52,968.00

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Tab C

DETAILED ACTION

1. This office action is in response to the Appeal Brief filed on April 20, 2006, in which claims 1-33 are presented for further examination.

Reopening of Prosecution After Appeal Brief

2. In view of the Appeal Brief filed on April 20, 2006, PROSECUTION IS HEREBY REOPENED. New grounds of rejection are set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as

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